

### **REMARKS/ARGUMENTS**

Claims 23-29 and 31 are pending and each claim stands rejected. Claims 23 and 29 have been amended. Support for the amendment to claims 23 and 29 may be found at paragraphs [0045], [0054] and in FIGS. 3 and 9.

The Applicants would like to thank the Examiner for his helpful comments during the November 9, 2006 interview.

It is believed that the above claims are allowable over the cited art in view of the below remarks. Reconsideration and allowance of the claims is therefore respectfully requested.

#### **35 U.S.C. §102**

Claims 23, 24, 26 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 163,678 (Merrill). Merrill, however, does not teach, suggest, or disclose all of the recited limitations of independent claim 23 as amended. Moreover, claim 23 has been amended to more clearly recite the additional features not taught or disclosed by Merrill. Independent claim 23 as amended therefore does not read on Merrill and is not anticipated.

Merrill does not teach or suggest a stove as recited in amended claim 23. Specifically, Merrill does not teach or suggest that the baffle plate/air manifold S is moveable from a horizontal closed configuration, in which gases flow through a passageway, to an open configuration, in which gases flow through a by-pass pathway separate from the passageway, wherein in the open configuration the moveable baffle plate cooperates with the stove body to define a barrier to the flow of gases through the passageway and out the chimney. Claim 23, in contrast, recites a “movable baffle plate and a fixed baffle plate” wherein “when the moveable baffle plate is in the open configuration, the movable baffle plate cooperates with the top wall to define a barrier adjacent the top wall and also forms a by-pass pathway with the fixed baffle plate.” The by-pass pathway allows gases within the combustion chamber to flow from the combustion chamber and out the chimney when the regular passageway is blocked. The flow of gases in the Merrill stove are not blocked from the passageway to the chimney in this manner. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 23 therefore does not read upon Merrill as Merrill does not teach, suggest, or disclose all of the recited features.

Claims 24, 26 and 28 depend from claim 23 and are allowable for at least the same reasons noted above. Reconsideration and withdrawal of the rejections is respectfully requested.

### **35 U.S.C. §103**

Claims 25, 27, 29 and 31 are rejected under 35 U.S.C. §103(a) as being obvious over Merrill in view of U.S. Patent No. 4,856,491 (Ferguson et al.).

Claims 25 and 27 depend from claim 23. As discussed previously, Merrill neither teaches nor suggests all of the features recited in claim 23. Ferguson discloses a stove body having a front door 28 and a removable top griddle 22. Ferguson does not disclose a structure for redirecting air flow as recited in claim 23. Thus, even if the Merrill stove was modified with the teachings of Ferguson as suggested by the Examiner, the combination of the two references still would not teach or suggest all of the features recited in claim 23. Claims 25 and 27 further refine the patentable subject matter of claim 23. Reconsideration of the rejection and allowance of the claims is therefore respectfully requested.

Claim 29 is directed to a stove including “a moveable baffle plate and a fixed baffle plate” wherein “the moveable baffle plate is in the open configuration, the moveable baffle plate cooperates with the top wall to define a barrier adjacent the top wall and also forms a by-pass pathway with the fixed baffle plate that directs gases from the combustion chamber, through a second passage, and into the chimney such that the gases do not exit the opening formed in either of the front wall and the top wall.”

Merrill does not teach or suggest a stove as recited in claim 29. As discussed with respect to claim 23, Merrill does not teach or suggest a moveable baffle plate and air manifold that are moveable from a horizontal closed configuration, in which gases flow through a first passage, to an open configuration wherein the moveable baffle plate cooperates with the top wall of the stove body to define a barrier such the gases flow through a by-pass pathway formed between the moveable baffle plate and the fixed baffle plate. Furthermore, Merrill does not teach or suggest that in the open configuration, the moveable baffle plate (hollow plate S) directs gases through a second passage such that gases do not exit the opening formed in either of the

front wall and the top wall. Movement of the plate S from the horizontal configuration to the vertical configuration in Merrill does not cause gases to be directed from a first passage to a second passage as recited in claim 29.

Ferguson does not remedy the deficiencies of Merrill. Ferguson discloses a stove body having a front door 28 and a removable top griddle 22. Ferguson does not disclose a structure for redirecting air flow as recited in claim 29. Thus, even if the Merrill stove was modified with the teachings of Ferguson as suggested by the Examiner, the combination of the two references still would not teach or suggest all of the features recited in claim 29. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 31 depends from claim 29 and is allowable for at least the above recited reason. Reconsideration and withdrawal of the rejection is respectfully requested.

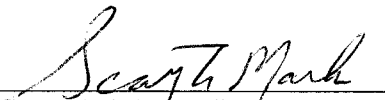
Enclosed is a credit card payment authorization in the amount of \$790.00 for the Request for Examination filing fee. No additional fee is believed to be necessary for the entry of this paper. Should any additional fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

### **CONCLUSION**

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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